

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6531 OF 2016

Deependra Soni, S/o Mr. Deendayal Soni, aged about 30 years, R/o Lili Chouk, Purani Basti, Thana Ajad Chouk, Raipur, District Raipur (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Jail and Correctional Service, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (C.G.)
2. State of Chhattisgarh, through the Secretary, Department of Medical & Health Services, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (C.G.)
3. Director General Jail and Correctional Services, Raipur, District Raipur (C.G.)
4. Directorate Health Services (Chhattisgarh), Indrawati Bhawan, 3rd Floor, Naya Raipur, District Raipur (C.G.)
5. Chief Medical and Health Officer, Mahasamund, District Mahasamund (C.G.)

... Respondents

For Petitioner	:	Mr. Dashrath Kushwaha, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/12/2016

1. The Petitioner in the present writ petition has sought for a limited direction to the Respondent No.3 for issuance of a 'No Objection Certificate' (in short, 'NOC') for participating in the selection process for the post of 'Pharmacist' under the Directorate, Health Services, Chhattisgarh.
2. Grievance of the Petitioner is, that he is presently posted as Pharmacist Grade-II at Central Jail, Jagdalpur and that an advertisement was published by the Directorate of Health Services, Chhattisgarh for filling up the post of Pharmacist in the Directorate, Health Services, for which the Petitioner is also an aspirant. The advertisement had a clause that in case if the aspirant is working with the State Government there has to be a NOC issued by the competent authority for participating in the selection

process. That, the Petitioner had moved an application for grant of NOC, but the Respondent No.3 vide its order dated 12.9.2016 refused to grant NOC on the ground that on the post on which the Petitioner is seeking appointment is at par with the post that he is presently holding.

3. Contention of the Petitioner is that though the nomenclature of the post on which he is working is the same to the post to which he is applying, but the two posts have different pay-scales and the post for which he intends to apply has a higher pay-scale than the pay-scale that he is presently drawing.

4. Considering the said facts and circumstances of the case, ends of justice would meet if a direction is issued to Respondent No.3 to reconsider the case of the Petitioner and to verify whether the pay-scale of the post to which the Petitioner intends to apply is better than the pay-scale that he is presently drawing or not, and, in case, if the pay-scale of the post to which he intends to apply is more than the pay-scale that he is presently drawing, this Court does not see any strong reason why he should not be entitled for NOC.

5. With the aforesaid observations, the writ petition stands disposed of. It is expected that Respondent No.3 shall take a positive decision in this matter within a period of three weeks from today.

Sd/-
(P. Sam Koshy)
Judge